

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 4 NUMBER 78

Washington, Saturday, April 22, 1939

Rules, Regulations, Orders

TITLE 16—COMMERCIAL PRACTICES

FEDERAL TRADE COMMISSION

[Docket No. 3129]

IN THE MATTER OF REEVES PARVIN & COMPANY ET AL.

SEC. 3.45 (e) (1) *Discriminating in price—Indirect discrimination—Brokerage payments.* Granting, paying, transmitting and delivering, by seller-respondents, W. N. Clark Co., and six others, their officers, etc., in connection with sale of commodities in interstate commerce to respondent wholesale grocer, Reeves Parvin & Co., any fees or commissions as brokerage, or any allowance in lieu thereof, to buyer-respondent Tri-State Brokerage Co. (buyer-controlled intermediary, with common management and ownership with buyer-respondent Reeves Parvin & Co.), or to said last-named company, or to the respective officers, etc., of said buyer-respondents, or to respondent Francis B. Reeves, Jr., whether as officer, etc., of either of said last-named companies or in his individual capacity; and accepting or receiving by aforesaid various buyer-respondents, their respective officers, etc., and aforesaid individual respondent, as above set forth, in connection with purchases of commodities in interstate commerce by said wholesale grocer buyer-respondent, Reeves Parvin & Co., any fees or commissions as brokerage, or allowance in lieu thereof; prohibited. (Sec. 2 (c), 49 Stat. 1527; 15 U. S. C., Supp. IV, sec. 13 (c)) [Cease and desist order, Reeves Parvin & Company et al., Docket 3129, April 15, 1939]

*United States of America—Before
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of April, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF REEVES PARVIN & COMPANY, A CORPORATION; TRI-STATE BROKERAGE COMPANY, A CORPORATION; FRANCIS B. REEVES, JR., INDIVIDUALLY AND AS PRESIDENT, DIRECTOR AND MAJORITY STOCKHOLDER OF REEVES PARVIN & COMPANY AND TRI-STATE BROKERAGE COMPANY; W. N. CLARK COMPANY, A CORPORATION; ROBERT W. MAIRS, INDIVIDUALLY, TRADING AND DOING BUSINESS AS ROBERT W. MAIRS & COMPANY; MARTIN GILLET & COMPANY, A CORPORATION; H. J. McGRATH COMPANY, A CORPORATION; NATURAL SUGARS, INC., A CORPORATION; NECTAR SYRUP CORPORATION, A CORPORATION; PHILLIPS SALES COMPANY, INC., A CORPORATION

ORDER TO CEASE AND DESIST

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission, the answers of the parties respondent named in the caption hereof, testimony and other evidence, taken before John W. Norwood, an Examiner for the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, briefs filed in support of said complaint and in opposition thereto and the oral arguments of J. J. Smith, Jr., counsel for the Commission, and the several counsel for the respondents, and the Commission having made its findings as to the facts and its conclusion that the said parties respondent have violated, and are now violating, the provisions of an Act of Congress approved October 15, 1914, entitled "An Act to supplement existing laws against unlawful restraints and monopolies and for other purposes" as amended by an Act of Congress approved June 19, 1936, entitled "An Act to amend

¹ 2 F. R. 1368.

CONTENTS

RULES, REGULATIONS, ORDERS

TITLE 16—COMMERCIAL PRACTICES:

Federal Trade Commission:

Cease and desist orders:	Page
Cluthe, Charles, & Sons, etc.	1680
Reeves Parvin & Co., et al.	1679

TITLE 19—CUSTOMS DUTIES:

Bureau of Customs:

Airports of entry, redesignation for period of one year	1681
---	------

NOTICES

Department of Labor:

Wage and Hour Division:

Shoe manufacturing and allied industries, postponement of minimum wage hearing	1681
--	------

Rural Electrification Administration:

Allocation of funds for loans	1681
-------------------------------	------

Securities and Exchange Commission:

McClanahan Refineries, Inc., listing and registration withdrawal	1682
--	------

Manufacturers Trust Co., et al., order disposing of applications for exemption	1681
--	------

Section 2 of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies and for other purposes" approved October 15, 1914, as amended (U. S. C., Title 15, Sec. 13) and for other purposes":

It is ordered, That the respondents W. N. Clark Company, Martin Gillet & Company, H. J. McGrath Company, Natural Sugars, Inc., Nectar Syrup Corporation, Phillips Sales Company, Inc., their respective officers, representatives, agents and employees, and Robert W. Mairs, in connection with the sale of



Published by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. L. 500), under regulations prescribed by the Administrative Committee, with the approval of the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the **FEDERAL REGISTER** will be furnished by mail to subscribers, free of postage, for \$1 per month or \$10 per year; single copies 10 cents each; payable in advance. Remit by money order payable to Superintendent of Documents, Government Printing Office, Washington, D. C.

Correspondence concerning the publication of the **FEDERAL REGISTER** should be addressed to the Director, Division of the Federal Register, The National Archives, Washington, D. C.

commodities in interstate commerce to the respondent, Reeves Parvin & Company, do forthwith cease and desist from granting, paying, transmitting and delivering to any one of the respondents Tri-State Brokerage Company, Reeves Parvin & Company, their respective officers, representatives, agents and employees, and Francis B. Reeves, Jr., either in his capacity as an officer, director or employee of either of said respondents Tri-State Brokerage Company or Reeves Parvin & Company, or in his individual capacity, any fees or commissions as brokerage or any allowance in lieu thereof.

It is further ordered, That the respondents Reeves Parvin & Company, Tri-State Brokerage Company, their respective officers, representatives, agents and employees, and the respondent Francis B. Reeves, Jr., either in his capacity as an officer, director or employee of either of said respondents Reeves Parvin & Company or Tri-State Brokerage Company, or in his individual capacity, in connection with the purchases of commodities in interstate commerce by the respondent Reeves Parvin & Company, do forthwith cease and desist from accepting or receiving from sellers any fees or commissions as brokerage or allowance in lieu thereof.

It is further ordered, That the parties respondent shall, within thirty (30) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-1371; Filed, April 21, 1939;
9:11 a. m.]

[Docket No. 3512]

IN THE MATTER OF CHARLES CLUTHE & SONS, ETC.

SEC. 3.6 (h) *Advertising falsely or misleadingly—Fictitious guarantees:* SEC. 3.6 (x) *Advertising falsely or misleadingly—Results:* SEC. 3.72 (k 2) *Offering deceptive inducements to purchase—Results guarantee.* Representing, in connection with offer, etc., in commerce, of the "Cluthe Truss," or any other substantially similar truss, by use of the term "guaranteed to hold," or any other term or terms of similar import and meaning, or in any other manner, that the use of such truss will prevent the intestines from passing through the rupture, or will enable ruptured persons to engage safely in severe forms of exercise and physical effort, or will seal a rupture, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Charles Cluthe & Sons, etc., Docket 3512, April 10, 1939]

SEC. 3.6 (x) *Advertising falsely or misleadingly—Results:* SEC. 3.6 (ff 10) *Advertising falsely or misleadingly—Unique nature or advantages.* Representing, in connection with offer, etc., in commerce, of the "Cluthe Truss," or any other substantially similar truss, that such truss is a new kind of truss or invention, or that a ruptured person using such truss will be assured of beneficial results by reason of the use thereof, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Charles Cluthe & Sons, etc., Docket 3512, April 10, 1939]

SEC. 3.6 (b) (2) *Advertising falsely or misleadingly—Competitors and their products—Competitors' products:* SEC. 3.6 (y 1) *Advertising falsely or misleadingly—Scientific or other relevant facts:* SEC. 3.48 (b) (6) *Disparaging competitors and their products—Goods—Qualities or properties.* Representing, in connection with offer, etc., in commerce, of the "Cluthe Truss," or any other substantially similar truss, that elastic or spring trusses are not adaptable for use on the human body, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Charles Cluthe & Sons, etc., Docket 3512, April 10, 1939]

SEC. 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* SEC. 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in commerce, of the "Cluthe Truss," or any other substantially similar truss, that such truss will fit ruptures; or, by the use of the term "overcome rupture troubles," or any other term or terms of similar import and meaning, or in any other manner, that the use of such truss will cure a rupture; or that the necessity for an operation for rupture will be eliminated by reason of the use of such

truss; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Charles Cluthe & Sons, etc., Docket 3512, April 10, 1939]

United States of America—Before
Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of April, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF FREDERICK CLUTHE, AN INDIVIDUAL, TRADING AS CHARLES CLUTHE & SONS, BLOOMFIELD, NEW JERSEY, AND CHARLES CLUTHE & SONS, A CORPORATION

ORDER TO CEASE AND DESIST

This proceeding having been heard¹ by the Federal Trade Commission upon the amended complaint of the Commission, and the answers of the respondents, in which answers the respondents admit all the material allegations of fact set forth in said amended complaint, and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent Frederick Cluthe, individually and trading as Charles Cluthe & Sons, or under any other name or names, his representatives, agents and employees, and the respondent Charles Cluthe & Sons, a corporation, its representatives, officers, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of a truss now designated as the "Cluthe Truss," or any other truss of substantially the same design, style and workmanship, in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly:

(a) By the use of the term "guaranteed to hold," or any other term or terms of similar import and meaning, or in any other manner, that the use of such truss will prevent the intestines from passing through the rupture;

(b) That the use of such truss will enable ruptured persons to engage safely in severe forms of exercise and physical effort;

(c) That such truss will seal a rupture.

It is further ordered, That the respondent Frederick Cluthe, individually and trading as Charles Cluthe & Sons, or under any other name or names, his representatives, agents and employees, directly or through any corporate or other device, in connection with the of-

¹ 4 F. R. 113 DL.

fering for sale, sale and distribution of a truss now designated as the "Cluthe Truss" or any other truss of substantially the same design, style and workmanship, in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly:

- (a) That such truss is a new kind of truss or invention;
- (b) That a ruptured person using such truss will be assured of beneficial results by reason of the use thereof;
- (c) That elastic or spring trusses are not adaptable for use on the human body;
- (d) That such truss will fit ruptures;
- (e) By the use of the term "overcome rupture troubles", or any other term or terms of similar import and meaning, or in any other manner, that the use of such truss will cure a rupture;
- (f) That the necessity for an operation for rupture will be eliminated by reason of the use of such truss.

It is further ordered, That the respondents shall, within sixty days after service on them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-1372; Filed, April 21, 1939;
9:11 a. m.]

TITLE 19—CUSTOMS DUTIES

BUREAU OF CUSTOMS

[T. D. 49848]

CERTAIN AIRPORTS REDESIGNATED AS AIRPORTS OF ENTRY FOR A PERIOD OF ONE YEAR

APRIL 17, 1939.

To Collectors of Customs and Others Concerned:

Under the authority of section 7 (b) of the Air Commerce Act of 1926 (U. S. C., title 49, sec. 177 (b)), the following-named airports are hereby redesignated as airports of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the said act (U. S. C., title 49, sec. 179 (b)), for a period of one year from the dates shown opposite their respective names:

Name	Location	Date of redesignation
Graham Airport	Bellingham, Wash.	Apr. 18, 1939
Malone Airport	Malone, N. Y.	Apr. 18, 1939
Cape Vincent Harbor.	Cape Vincent, N. Y.	Apr. 25, 1939

[SEAL] STEPHEN B. GIBBONS,
Acting Secretary of the Treasury.

[F. R. Doc. 39-1370; Filed, April 20, 1939;
1:13 p. m.]

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF POSTPONEMENT OF PUBLIC HEARING BEFORE INDUSTRY COMMITTEE NO. 6 FOR PURPOSE OF RECEIVING EVIDENCE TO BE CONSIDERED IN RECOMMENDING MINIMUM WAGE RATES FOR THE SHOE MANUFACTURING AND ALLIED INDUSTRIES

In conformity with the Fair Labor Standards Act of 1938, 52 Stat. 1060, and Section 511.11 of Part 511 of the Rules and Regulations issued pursuant thereto, notice is given to all interested persons that the public hearing for the purpose of receiving evidence to be considered by Industry Committee No. 6 in determining the highest minimum wage rates for the shoe manufacturing and allied industries which, with due regard to economic and competitive conditions, will not substantially curtail employment, now scheduled for May 2, 1939, is hereby postponed to May 25, 1939, beginning at 9:30 A. M., in the Raleigh Hotel, Washington, D. C.

Any interested person may appear on his own behalf or on behalf of any other person. Persons desiring to appear are requested to file with Burton E. Oppenheim, Chief of the Industry Committee Section, Wage and Hour Division, U. S. Department of Labor, Washington, D. C., prior to May 20, 1939, a Notice of Intention to Appear containing the following information:

- (1) The name and address of the person appearing.
- (2) If he is appearing in a representative capacity, the name and address of the person or persons whom he is representing.
- (3) The approximate length of time which his presentation will consume.

Signed at Washington, D. C., this 21st day of April 1939.

FRANCIS J. HAAS,
Chairman, Industry Committee
No. 6, for the Shoe Manufacturing and Allied Industries.

[F. R. Doc. 39-1377; Filed, April 21, 1939;
12:30 p. m.]

RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 338]

ALLOCATION OF FUNDS FOR LOANS

APRIL 18, 1939.

By virtue of the authority vested in me by the provisions of Section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for

¹ 3 F. R. 2744 DL.
² 4 F. R. 1617 DL.

loans for the projects and in the amounts as set forth in the following schedule:

Project Designation	Amount
Colorado R9016W1 Jefferson	\$5,000
Georgia R9068W2 Grady	5,000
Idaho R9015W1 Idaho	5,000
Illinois R9021W3 Menard	5,000
Illinois R9033W1 Hancock	5,000
Indiana R9027W1 Decatur	6,000
Iowa R9026W1 Shelby	5,000
Mississippi R9045W1 Clarke-Lauderdale	10,000
Missouri R9041W1 Platte	5,000
Nebraska R9053W2 Buffalo	75,000
Nebraska R9058W1 Boone	5,000
Nebraska R9064W1 York	5,000
Texas R9030W2 Upshur	10,000
Texas R9075W1 Wharton	5,000
Virginia R9034W1 Lee	5,000
Wisconsin R9057W1 Rusk	5,000

JOHN M. CARMODY,
Administrator.

[F. R. Doc. 39-1373; Filed, April 21, 1939;
10:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 20th day of April, A. D. 1939.

[File Nos. 31-183, 31-178]

IN THE MATTER OF MANUFACTURERS TRUST COMPANY, UTILITY SERVICE COMPANY, AND EASTERN MINNESOTA POWER CORPORATION

ORDER DISPOSING OF APPLICATIONS FOR EXEMPTION

Manufacturers Trust Company and Utility Service Company having made application for exemption from the provisions of the Public Utility Holding Company Act of 1935 pursuant to Section 3 (a) (4) thereof; Eastern Minnesota Power Corporation having made application for exemption from the provisions of the Public Utility Holding Company Act of 1935 pursuant to Section 3 (a) (2) thereof;

The applications having been consolidated for hearing; a hearing having been duly held after appropriate public notice; the record in this matter having been duly considered; and the Commission having made appropriate findings of fact;

It is ordered, That Manufacturers Trust Company be and is hereby exempted from all of the provisions of the Public Utility Holding Company Act of 1935 applying to holding companies, subject to the limitations imposed by Rule U-3A3-1, as now in force or as hereafter amended, to the same extent as banks granted a general exemption thereunder; and

It is further ordered, That the applications for exemption of Utility Service Company and Eastern Minnesota Power Corporation be and they hereby are denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-1374; Filed, April 21, 1939;
11:06 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its

office in the City of Washington, D. C., on the 20th day of April 1939.

[File No. 1-2631]

IN THE MATTER OF McCLANAHAN REFINERIES, INC., COMMON STOCK, PAR VALUE \$1

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The McClanahan Refineries, Inc., pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to withdraw its Common Stock, Par Value \$1, from listing and registration on the Detroit Stock Exchange; and

After appropriate notice,¹ a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on April 27, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-1375; Filed, April 21, 1939;
11:06 a. m.]

¹ 4 F. R. 997 DI.